

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

JESSICA RIVERA by herself and in representation of her minor son, H.A.R.	*	CIVIL NO.
	*	
	*	
	*	
	*	
Plaintiffs	*	PLAINTIFFS DEMAND
	*	
v.	*	TRIAL BY JURY
	*	
PUERTO RICO ELECTRIC POWER	*	
AUTHORITY; JOHN DOE; JANE DOE;	*	
INSURANCE COMPANIES X, Y, Z	*	
Defendants	*	
	*	

COMPLAINT

TO THE HONORABLE COURT:

COME now **PLAINTIFFS**, through the subscribing attorney who very respectfully
STATES, ALLEGES and PRAYS:

I. INTRODUCTION

1. This is a civil action in damages for the electrocution of minor plaintiff H.A.R. on August 5, 2013 in Juncos, Puerto Rico, due to the negligent acts and omissions of all co-defendants in this case.

II. JURISDICTION AND VENUE

2. This Honorable Court has jurisdiction pursuant to 28 U.S.C. § 1332 over the state law claims under Articles 1802 and 1803 of the Civil Code of Puerto Rico, sections 5141

et seq. of Title 31 of the Laws of Puerto Rico Annotated. The matter in controversy exceeds the sum or value of \$75,000 exclusive of interest and costs and is between citizens of different states. This Court has venue pursuant to 28 U.S.C. § 1391 because, as detailed herein, the claims asserted in this action arose in this judicial district.

III. THE PARTIES

4. Plaintiff **JESSICA RIVERA** appears herein by herself and in the best interest, as mother and legal representative of her fourteen year old son, **H.A.R.**, both residents of Leominster, Massachusetts.

5. Co-defendant **PUERTO RICO ELECTRIC POWER AUTHORITY** (hereinafter **PREPA**) is a corporation organized under the laws of Puerto Rico where it has its principal place of business.

6. Co-Defendants **JOHN DOE** and **JANE DOE** are unknown natural persons, who are responsible for any damages caused to plaintiffs. Once their true names are known, they will be substituted.

7. **INSURANCE COMPANIES X, Y, Z** are companies which represent any entities jointly responsible for the damages caused to plaintiffs. Once their names are known, they will be substituted.

IV. FACTS OF THE CASE

8. On August 5, 2013 at 5:30 p.m. minor plaintiff H.A.R. was playing in front of

his family's house at Barrio Ceiba Sur, El Gandúl sector, Juncos, Puerto Rico, when minor plaintiff H.A.R. was hit by a power line installed and maintained by defendant PREPA.

9. Minor plaintiff H.A.R. fell unconscious to the ground and Edelmiro Tolentino, a relative of plaintiffs, used a stick to move away the power line from minor plaintiff's body.

10. Minor plaintiff H.A.R. started to expel a white substance from his mouth and stayed unconscious on the ground.

11. Plaintiff Jessica Rivera started screaming desperately and thought that her child was dead.

12. Immediately, the ambulance was called by Yelitza Lebrón, minor plaintiff's aunt. But since minor plaintiff was unresponsive and the ambulance did not arrive promptly, plaintiff Jessica Rivera decided to take minor plaintiff to the Juncos CDT for first aid.

13. Minor plaintiff H.A.R. was stabilized at the Juncos' CDT and transfer to Centro Medico on that same date.

14. Minor plaintiff H.A.R. was placed at the Intensive Care Unit for five days, where he received specialized medical attention for his third degree burns.

15. At the present time he still needs continuous medical attention and his prognosis is undetermined.

V. CAUSES OF ACTION

16. Defendant PREPA is liable for Plaintiffs damages because such damages were

caused by the negligence of Defendant PREPA and its agents, servants and employees who were then and there working within the scope of their employment for PREPA.

17. Defendant PREPA is liable for Plaintiffs' damages because it negligently failed to repair the power lines at the location of the incident. It obviously presented a safety hazard to vehicles and persons traveling on the road. However, in spite of the knowledge of this safety hazard, PREPA did not repair the power line in question and, in fact, did nothing about this safety hazard prior to this event.

18. Defendant PREPA is liable for Plaintiffs' damages because it negligently failed to repair the power lines at the location of the incident and did nothing to remedy this severe safety hazard.

VI. DAMAGES

19. Due to the negligent acts and/or omissions of all defendants, minor plaintiff H.A.R. suffered the following damages:

- a. Third degree burns
- b. seizure
- c. five open wounds
- d. scar tissue
- e. multiple surgeries
- f. neurological problems
- g. visual deterioration
- h. loss of consciousness
- i. Loss of balance and sight
- j. skin grafts
- k. loss of hair
- l. damages to his tongue

- m. special education
- n. past, present and future medical expenses
- o. past, present, future medical treatment
- p. pain and suffering
- q. possible future loss of income

20. Due to the negligent acts and/or omissions of all the defendants, plaintiff Jessica Rivera suffered and continues to suffer:

- a. past, present and future medical expenses
- b. past, present, future psychological medical treatment
- c. excruciating mental anguishes

VII. PRAYER FOR RELIEF

WHEREFORE, PLAINTIFFS demand judgment against defendants, jointly, in the sum of **\$10,000,000.00**, together with the interests thereon from the date of the filing of the present complaint, costs and reasonable attorney's fees.

RESPECTFULLY SUBMITTED

In San Juan, Puerto Rico, this 13th day of June, 2014.

LUIS RAFAEL RIVERA LAW OFFICE
CAPITAL CENTER BLDG. 1
SUITE 401
ARTERIAL HOSTOS AVENUE 239
HATO REY, PUERTO RICO 00918
PHONE: (787) 763-1780
FAX: (787) 763-2145
E-MAIL: luiswichyrivera@hotmail.com

By: **S/MICHELLE ANNET RAMOS JIMENEZ**
MICHELLE ANNET RAMOS JIMENEZ
USDC-PR 225303
E-MAIL: michellean2000@yahoo.com